

Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kosmas  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Michaud  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan

## NAYS—182

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Bachus  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Biggart  
Billbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehner  
Bonner  
Bono Mack  
Boozman  
Boustany  
Brady (TX)  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.

Moore (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Payne  
Perlmutter  
Perriello  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schrader  
Schwartz

Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Teague  
Thompson (CA)  
Thompson (MS)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)

Baird  
Hinojosa  
Miller, Gary

Souder  
Stearns  
Sullivan  
Taylor  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner

## NOT VOTING—7

Moore (WI)  
Pascarelli  
Shuler

□ 1114

So the resolution was agreed to.  
The result of the vote was announced  
as above recorded.  
A motion to reconsider was laid on  
the table.

FAMILY SMOKING PREVENTION  
AND TOBACCO CONTROL ACT

The SPEAKER pro tempore (Mr. ALTMIRE). The unfinished business is consideration of the bill (H.R. 1256) to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When further proceedings were postponed on the bill, all time for debate on the amendment offered by the gentleman from Indiana (Mr. BUYER) had expired.

Pursuant to House Resolution 307, the previous question is ordered on the bill, as amended, and on the amendment by the gentleman from Indiana.

The question is on the amendment by the gentleman from Indiana.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 284, not voting 5, as follows:

[Roll No. 185]

## AYES—142

Aderholt  
Akin  
Alexander  
Austria  
Bachmann  
Barrett (SC)  
Barton (TX)  
Bilirakis  
Bishop (GA)  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Boozman  
Boustany  
Boyd  
Brady (TX)  
Bright  
Brown (SC)  
Buchanan  
Burgess  
Burton (IN)  
Butterfield  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Carter

Cassidy  
Coble  
Coffman (CO)  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Etheridge  
Fleming  
Forbes  
Fox  
Franks (AZ)  
Gallegly  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling

Hill  
Hoekstra  
Hunter  
Inglis  
Issa  
Johnson, Sam  
Jones  
King (IA)  
King (NY)  
Kingston  
Kissell  
Kline (MN)  
Latham  
LaTourette  
Lewis (CA)  
Luetkemeyer  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McIntyre  
McKeon  
McMorris  
Rodgers

Mica  
Miller (FL)  
Miller (NC)  
Minnick  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Nye  
Olson  
Pastor (AZ)  
Paulsen  
Pence  
Perriello  
Peterson  
Petri  
Pitts  
Posey  
Putnam

Abercrombie  
Ackerman  
Adler (NJ)  
Altmire  
Andrews  
Arcuri  
Baca  
Bachus  
Baird  
Baldwin  
Barrow  
Bartlett  
Bean  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Billbray  
Bishop (NY)  
Blumenauer  
Bocchieri  
Bono Mack  
Boren  
Boswell  
Boucher  
Brady (PA)  
Braley (IA)  
Broun (GA)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castle  
Castor (FL)  
Chaffetz  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crowley  
Cuellar  
Cummings  
Dahlkemper  
Davis (AL)  
Davis (CA)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Driehaus  
Edwards (MD)

Radanovich  
Rahall  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuler  
Shuster

## NOES—284

Edwards (TX)  
Ehlers  
Ellison  
Ellsworth  
Emerson  
Engel  
Eshoo  
Fallin  
Farr  
Fattah  
Filner  
Flake  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gerlach  
Giffords  
Gonzalez  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Gutierrez  
Hall (NY)  
Halvorson  
Hare  
Harman  
Hastings (FL)  
Heinrich  
Herger  
Herseth Sandlin  
Higgins  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
Kirk  
Kirkpatrick (AZ)  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (GA)

Smith (NE)  
Smith (TX)  
Souder  
Spratt  
Stearns  
Sullivan  
Tanner  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Wamp  
Whitfield  
Wilson (SC)  
Wittman  
Young (AK)  
Young (FL)

Linder  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lucas  
Luján  
Lummis  
Lynch  
Mack  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McHugh  
McMahon  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Payne  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Price (GA)  
Price (NC)  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Roe (TN)  
Rohrabacher  
Ross  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta

Sarbanes	Snyder	Velázquez
Schakowsky	Space	Visclosky
Schauer	Speier	Walden
Schiff	Stark	Walz
Schrader	Stupak	Wasserman
Schwartz	Sutton	Schultz
Scott (GA)	Tauscher	Waters
Scott (VA)	Taylor	Watson
Serrano	Teague	Watt
Sestak	Thompson (CA)	Waxman
Shea-Porter	Thompson (MS)	Weiner
Sherman	Thompson (PA)	Welch
Simpson	Tierney	Wexler
Sires	Titus	Wilson (OH)
Skelton	Tonko	Wolf
Slaughter	Towns	Woolsey
Smith (NJ)	Tsongas	Wu
Smith (WA)	Van Hollen	Yarmuth

## NOT VOTING—5

Blunt	Miller, Gary	Westmoreland
Hinojosa	Pascarell	

□ 1132

Messrs. GRIFFITH and LATTA and Ms. SPEIER changed their vote from “aye” to “no.”

Mr. COFFMAN of Colorado changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mr. ROGERS of Michigan. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROGERS of Michigan. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Rogers of Michigan moves to recommit the bill (H.R. 1256) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

In section 919(c)(2) of the Federal Food, Drug, and Cosmetic Act, as added by section 101(b)(3) of the bill, amend subparagraph (B) to read as follows:

“(B) PROHIBITION AGAINST USE OF OTHER FUNDS.—Fees collected under subsection (a) are the only funds authorized to be made available for the purpose described in subparagraph (A).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. ROGERS) is recognized for 5 minutes to support his motion.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my friends for bringing up and working on an issue that we all know is troublesome, smoking in America. We certainly don't want our kids to do it. We wouldn't wish it on any family. And sometimes we disagree on the smallest things and the paths to get there. And I think this is one of those occasions. But some of those differences have huge consequences. We even offered an amendment to say to the FDA if you're going to give them this authority, you

ought to be able to get nicotine out of cigarettes. And the majority said “no.”

So what we are going to do is we're going to have them create this whole new government structure to approve or authorize or regulate a drug that, if used as directed, will kill you—for the first time in the history of the FDA. It is a problem. But as long as we get to this place of eliminating smoking, maybe we are moving forward.

But here is a huge problem, and I hope my colleagues listen well. Because for several years during the course of this bill, we have been told and told again and told again that this will not impact the general fund of the FDA. It will not. But, in fact, it will. There is a dangerous loophole in this bill, and we together today can close it. I will tell you why this is important. Because it does allow in the bill specifically for money to come from the general fund of the FDA to get this thing going for as long as 6 months. Six months doesn't seem like a long time. But let me tell you, the FDA is strapped for resources and failing in many of its core missions.

Many of us here agree with that. We have often said it is not meeting its mission requirements. We need to give them more, more resources. This bill today takes away precious resources from some of the most dangerous diseases and cures that may be on their way at the time they don't need it. Do you realize last year the FDA inspected roughly 6,000 of 189,000 food facilities under its jurisdiction? Three percent. Americans eat food imported from 150 countries where they are processed in 189,000 plants, scattered from China to Fiji. But in 2007, the FDA inspected just 96 of those plants.

You pose to the new FDA Commissioner a very dangerous set of policy decisions. Do I not inspect food plants to get this new regulation going today or for the next 6 months? The last salmonella outbreak had 550 illnesses and eight deaths. You will make, today, the FDA Commissioner choose between one more inspection and catching one more bad outbreak of salmonella or stepping up and starting to regulate, in this new way, tobacco at the FDA. The salmonella outbreak cost the industry about \$100 million just for tomatoes last year alone. People are dying because we are not meeting our obligations for food safety. This bill jeopardizes the Commissioner from meeting that core and important element in food safety in the United States.

But that is not all. Chronic pain. We are very close. They have new technology that is getting close to being approved by the FDA. You will make that Commissioner stand up and say, “I'm sorry that you have arthritis and have waited and prayed every day of your life for that cure, that new medicine that is going to alleviate your pain and give you a quality of life. I'm sorry, we have to wait 6 months for that cure.” Six months does mean a lot.

Pediatric cancer, we are very close to some great treatments, some great treatments. If it is your son or your daughter in your family, are you willing to say, let's wait 6 months for that cure, for that medicine, for that very treatment that may save your life? You make the FDA Commissioner choose when you pass this bill today if we don't close this loophole. It is not done.

Biologic drugs, we all know how important they are, what kind of cures they can bring, the innovation. They are already hurting economically. You're telling them, “wait 6 months for that new cure for whatever disease ails you because we want to get this bureaucracy started at the FDA and take some of those resources.” What scientist are we going to ask that Commissioner to remove from the bench to do that study for 6 months to find that cure? That is what we are doing today if we don't close this loophole.

Alzheimer's, we have some great cures. But they keep telling us they need additional resources to meet the demands on the new medicines that are coming forward to either alleviate pain or alleviate the disease or slow it or even cure it, God help us all if we can do that soon. But you make the Commissioner decide, today, to stop that research, to stop that process, to slow down the clinical trial so we can institute this new bureaucracy on cigarettes at the FDA.

Some pretty exciting stuff on HPV, cervical cancer is in the works.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ROGERS of Michigan. I will end with this because I can go on and on about all the diseases that mean so much to all of us, a very simple thing, close this dangerous loophole, vote for this motion to recommit, protect the families, stand with them as they pray each night for a cure for their diseases.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are reminded to address their remarks to the Chair. All Members are reminded not to traffic the well while other Members are under recognition.

Mr. WAXMAN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Speaker, my colleagues, this bill will not divert resources away from other important functions at the Food and Drug Administration. It is fully funded by a user fee from the tobacco industry. And that user fee will fund this effort, and none of the funds to deal with tobacco will come out of other activities at FDA. But there is an exception. In the beginning, until the user fees are collected and disbursed, we want FDA to get going. So we allow the FDA to borrow money, no more than for two quarters, from the general revenue. But they have to pay it back. That is the only use of general revenues that

would be borrowed under this motion to recommit.

Now, the American Cancer Society is supporting our legislation. Would they support our legislation if it diverted the FDA from review of drugs that cancer patients rely on to save their lives? The same is true of all the other health groups that support our bill. They believe this bill accomplishes effective tobacco regulation without diverting the FDA from lifesaving activities that the FDA must undertake.

The bill is supported by 1,000 public health and other groups, including the Heart Association, the Lung Association, the Cancer Society and the American Public Health Association. They would not support this bill if it did what the gentleman from Michigan claims it does, because his claim is inaccurate. And these groups know that. And that is why they are supporting the Waxman-Platts legislation.

Simply put, the Waxman-Platts bill makes absolutely clear that the tobacco program will not detract from FDA's other activities, and we shouldn't delay the regulation of tobacco, which is really the impact of this motion to recommit should it be adopted. We shouldn't delay this long overdue measure based on a misplaced concern about FDA's other resource challenges.

So I would urge my colleagues to vote against this motion to recommit and to vote for the underlying bill.

I yield back the balance of my time. The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 6, as follows:

#### [Roll No. 186]

##### AYES—169

Aderholt	Broun (GA)	Coffman (CO)
Akin	Brown (SC)	Cole
Alexander	Brown-Waite,	Conaway
Austria	Ginny	Crenshaw
Bachmann	Buchanan	Cuellar
Bachus	Burgess	Culberson
Barrett (SC)	Burton (IN)	Davis (KY)
Bartlett	Buyer	Deal (GA)
Barton (TX)	Calvert	Dent
Bilbray	Camp	Diaz-Balart, L.
Bilirakis	Campbell	Diaz-Balart, M.
Bishop (UT)	Cantor	Donnelly (IN)
Blackburn	Cao	Dreier
Boehner	Capito	Duncan
Bonner	Carter	Ellsworth
Boozman	Cassidy	Emerson
Boustany	Chaffetz	Etheridge
Brady (TX)	Chandler	Fallin
Bright	Coble	Flake

Fleming	Lee (NY)	Roe (TN)
Forbes	Lewis (CA)	Rogers (AL)
Fortenberry	Linder	Rogers (KY)
Fox	Lucas	Rogers (MI)
Franks (AZ)	Luetkemeyer	Rohrabacher
Frelinghuysen	Lummis	Rooney
Galleghy	Lungren, Daniel	Roskam
Garrett (NJ)	E.	Ryan (WI)
Gerlach	Manzullo	Scalise
Gohmert	Marchant	Schmidt
Goodlatte	McCarthy (CA)	Schock
Granger	McCaul	Sensenbrenner
Graves	McClintock	Sessions
Guthrie	McCotter	Shadegg
Hall (TX)	McHenry	Shimkus
Harper	McIntyre	Shuler
Hastings (WA)	McKeon	Shuster
Heller	McMorris	Simpson
Hensarling	Rodgers	Smith (NE)
Hergert	Mica	Smith (TX)
Hoekstra	Miller (FL)	Souder
Hunter	Moran (KS)	Stearns
Inglis	Murphy, Tim	Sullivan
Issa	Myrick	Terry
Jenkins	Neugebauer	Thompson (PA)
Johnson (IL)	Nunes	Thornberry
Johnson, Sam	Nye	Tiahrt
Jones	Olson	Tiberi
Jordan (OH)	Paul	Turner
King (IA)	Paulsen	Walden
Kingston	Pence	Wamp
Kirk	Perriello	Whitfield
Kirkpatrick (AZ)	Petri	Pitts
Kissell	Pitts	Posey
Kline (MN)	Posey	Price (GA)
Lamborn	Price (GA)	Putnam
Latham	Putnam	Radanovich
LaTourette	Radanovich	Rehberg
Latta	Rehberg	

#### NOES—256

Abercrombie	Delahunt	Kilroy
Ackerman	DeLauro	Kind
Adler (NJ)	Dicks	King (NY)
Altmire	Dingell	Klein (FL)
Andrews	Doggett	Kosmas
Arcuri	Doyle	Kratovil
Baca	Driehaus	Kucinich
Baird	Edwards (MD)	Lance
Baldwin	Edwards (TX)	Langevin
Barrow	Ehlers	Larsen (WA)
Bean	Ellison	Larson (CT)
Becerra	Engel	Lee (CA)
Berkley	Eshoo	Levin
Berman	Farr	Lewis (GA)
Berry	Fattah	Lipinski
Biggert	Filner	LoBiondo
Bishop (GA)	Foster	Loeback
Bishop (NY)	Frank (MA)	Lofgren, Zoe
Blumenauer	Fudge	Lowey
Boccieri	Giffords	Lujan
Bono Mack	Gingrey (GA)	Lynch
Boren	Gonzalez	Mack
Boswell	Gordon (TN)	Maffei
Boucher	Grayson	Maloney
Boyd	Green, Al	Markey (CO)
Brady (PA)	Green, Gene	Markey (MA)
Braley (IA)	Griffith	Marshall
Brown, Corrine	Grijalva	Massa
Butterfield	Gutierrez	Matheson
Capps	Hall (NY)	Matsui
Capuano	Halvorson	McCarthy (NY)
Cardoza	Hare	McCollum
Carnahan	Harman	McDermott
Carney	Hastings (FL)	McGovern
Carson (IN)	Heinrich	McHugh
Castle	Herseth Sandlin	McMahon
Castor (FL)	Higgins	McNerney
Childers	Hill	Meek (FL)
Clarke	Himes	Meeks (NY)
Clay	Hinchey	Melancon
Cleaver	Hirono	Michaud
Clyburn	Hodes	Miller (MI)
Cohen	Holden	Miller (NC)
Connolly (VA)	Holt	Miller, George
Conyers	Honda	Minnick
Cooper	Hoyer	Mitchell
Costa	Inslee	Mollohan
Costello	Israel	Moore (KS)
Courtney	Jackson (IL)	Moore (WI)
Crowley	Jackson-Lee	Moran (VA)
Cummings	(TX)	Murphy (CT)
Dahlkemper	Johnson (GA)	Murphy, Patrick
Davis (AL)	Johnson, E. B.	Murtha
Davis (CA)	Kagen	Nadler (NY)
Davis (IL)	Kanjorski	Napolitano
Davis (TN)	Kennedy	Neal (MA)
DeFazio	Kildee	Oberstar
DeGette	Kilpatrick (MI)	Obey

Oliver	Sánchez, Linda	Taylor
Ortiz	T.	Teague
Pallone	Sanchez, Loretta	Thompson (CA)
Pastor (AZ)	Sarbanes	Thompson (MS)
Payne	Schakowsky	Tierney
Perlmutter	Schauer	Titus
Peters	Schiff	Tonko
Peterson	Schrader	Towns
Pingree (ME)	Schwartz	Tsongas
Platts	Scott (GA)	Upton
Poe (TX)	Scott (VA)	Van Hollen
Polis (CO)	Serrano	Velázquez
Pomeroy	Sestak	Visclosky
Price (NC)	Shea-Porter	Walz
Rahall	Sherman	Wasserman
Rangel	Sires	Schultz
Reichert	Skelton	Waters
Reyes	Slaughter	Watson
Richardson	Smith (NJ)	Watt
Rodriguez	Smith (WA)	Waxman
Ros-Lehtinen	Snyder	Weiner
Ross	Space	Welch
Rothman (NJ)	Speier	Wexler
Roybal-Allard	Spratt	Wilson (OH)
Royce	Stark	Woolsey
Ruppersberger	Stupak	Wu
Rush	Sutton	Yarmuth
Ryan (OH)	Tanner	
Salazar	Tauscher	

#### NOT VOTING—6

Blunt	Kaptur	Pascarell
Hinojosa	Miller, Gary	Westmoreland

#### □ 1200

Mr. TEAGUE changed his vote from "aye" to "no."

Messrs. WALDEN of Oregon, RADANOVICH and WHITFIELD changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 298, noes 112, not voting 21, as follows:

#### [Roll No. 187]

##### AYES—298

Abercrombie	Brown (SC)	Crowley
Ackerman	Brown, Corrine	Cuellar
Adler (NJ)	Brown-Waite,	Cummings
Altmire	Ginny	Dahlkemper
Andrews	Buchanan	Davis (AL)
Arcuri	Butterfield	Davis (CA)
Austria	Camp	Davis (IL)
Baca	Cantor	DeFazio
Bachus	Cao	DeGette
Baird	Capito	DeLauro
Baldwin	Capps	Dent
Barrow	Capuano	Dicks
Bartlett	Carnahan	Dingell
Bean	Carson (IN)	Doggett
Berkley	Cassidy	Donnelly (IN)
Berman	Castle	Doyle
Berry	Castor (FL)	Dreier
Biggert	Chandler	Driehaus
Bilbray	Childers	Duncan
Bilirakis	Clarke	Edwards (MD)
Bishop (NY)	Clay	Edwards (TX)
Blumenauer	Cleaver	Ehlers
Boccieri	Clyburn	Ellison
Bono Mack	Cohen	Ellsworth
Boren	Connolly (VA)	Emerson
Boswell	Conyers	Engel
Boucher	Cooper	Eshoo
Boyd	Costa	Etheridge
Brady (PA)	Costello	Fallin
Brady (TX)	Courtney	Farr
Braley (IA)	Crenshaw	

Fattah  
Filner  
Fleming  
Fortenberry  
Foster  
Frank (MA)  
Frelinghuysen  
Fudge  
Gallegly  
Gerlach  
Giffords  
Gordon (TN)  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Herseth Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (NY)  
Kirk  
Klein (FL)  
Kosmas  
Kratovil  
Kucinich  
Lance  
Langevin  
Larsen (WA)  
LaTourette  
Lee (CA)  
Lee (NY)  
Lewis (GA)  
Lipinski  
LoBiondo  
Loeb sack  
Lofgren, Zoe  
Lowey

Lynch  
Maffei  
Maloney  
Manzullo  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McCollum  
McDermott  
McGovern  
McHugh  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Michaud  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Nadler (NY)  
Neal (MA)  
Nye  
Oberstar  
Obey  
Oliver  
Ortiz  
Pallone  
Pastor (AZ)  
Paulsen  
Payne  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Polis (CO)  
Pomeroy  
Price (NC)  
Putnam  
Rahall  
Rangel  
Rehberg  
Reichert  
Reyes  
Richardson  
Rodriguez  
Rogers (AL)  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)

Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schock  
Schrader  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shimkus  
Simpson  
Sires  
Skeltan  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stark  
Stupak  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Turner  
Upton  
Van Hollen  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Wittman  
Wolf  
Woolsey  
Yarmuth  
Young (AK)  
Young (FL)

## NOES—112

Aderholt  
Akin  
Alexander  
Bachmann  
Barrett (SC)  
Barton (TX)  
Bishop (UT)  
Blackburn  
Boehner  
Bonner  
Boozman  
Boustany  
Bright  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Campbell  
Carter  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Culberson  
Davis (KY)  
Davis (TN)

Deal (GA)  
Diaz-Balart, L.  
Diaz-Balart, M.  
Flake  
Forbes  
Fox  
Franks (AZ)  
Garrett (NJ)  
Gingrey (GA)  
Gohmert  
Goodlatte  
Granger  
Graves  
Guthrie  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
Kingston

Kirkpatrick (AZ)  
Kissell  
Kline (MN)  
Lamborn  
Latham  
Latta  
Lewis (CA)  
Linder  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Marchant  
McClintock  
McCotter  
McHenry  
McIntyre  
Mica  
Miller (FL)  
Moran (KS)  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul

Pence  
Perriello  
Peterson  
Petri  
Pitts  
Poe (TX)  
Posey  
Price (GA)  
Radanovich  
Roe (TN)  
Rogers (KY)

Rogers (MI)  
Rohrabacher  
Rooney  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Sensenbrenner  
Sessions  
Shadegg  
Shuler

Shuster  
Smith (NE)  
Souder  
Stearns  
Sullivan  
Thompson (PA)  
Thornberry  
Tiahrt  
Whitfield  
Wilson (SC)

## NOT VOTING—21

Becerra  
Bishop (GA)  
Blunt  
Broun (GA)  
Cardoza  
Carney  
Gonzalez

Grijalva  
Gutierrez  
Hinojosa  
Larson (CT)  
Levin  
Lujan  
Miller, Gary

Napolitano  
Pascarell  
Roybal-Allard  
Salazar  
Velázquez  
Westmoreland  
Wu

## □ 1207

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WU. Mr. Speaker, I rise to inform the House that I missed rollcall No. 187. If I had been present I would have voted "aye" on the final passage of H.R. 1256. Mrs. NAPOLITANO. Mr. Speaker, on Thursday, April 2, 2009, I was delayed in a Congressional Hispanic Caucus meeting and was not able to vote on rollcall No. 187. Had I been present, I would have voted "aye" on passage of H.R. 1256—Family Smoking Prevention and Tobacco Control Act.

Ms. GRANGER. Mr. Speaker, on rollcall No. 187, I inadvertently pressed the "no" button. I meant to vote "aye" on passage of H.R. 1256.

Mr. BISHOP of Georgia. Mr. Speaker, during rollcall vote No. 187 on H.R. 1256, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. SALAZAR. Mr. Speaker, today the House voted on final passage of H.R. 1256, The Family Smoking Prevention and Tobacco Control Act. I was unavoidably detained and was unable to be here for the vote. Had I been present, I would have voted "aye" on the bill.

Mr. BECERRA. Mr. Speaker, I was detained in an elevator in the Capitol building due to a mechanical malfunction earlier today. As a result, I missed rollcall vote 187 on passage of H.R. 1256, Family Smoking Prevention and Tobacco Control Act. If present, I would have voted "aye."

Mr. LUJÁN. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote due to delayed elevators. Had I been present, I would have voted "aye."

Ms. ROYBAL-ALLARD. Mr. Speaker, on rollcall No. 187, due to delayed elevators. I was unable to get to the Chamber in time to vote. Had I been present, I would have voted "aye."

Mr. GRIJALVA. Mr. Speaker, on rollcall No. 187, the elevator was delayed, and I missed the vote. Had I been present, I would have voted "aye."

Ms. VELÁZQUEZ. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote. Had I been present, I would have voted "aye."

Mr. GUTIERREZ. Mr. Speaker, on rollcall No. 187 I was held up in a meeting and unable to vote. Had I been present, I would have voted "aye."

Mr. LARSON of Connecticut. Madam Speaker, on April 2, 2009, I missed one vote regarding H.R. 1256, the Family Smoking Prevention and Tobacco Control Act. Had I been present, I would have voted "yea" on final passage (rollcall vote 187).

## PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent on April 1 during rollcall votes 175 through 182. Had I been present, I would have voted "yea" on rollcall vote 175 to table H. Res. 312; "yea" on rollcall vote 176 on agreeing to H. Res. 305; "yea" on rollcall vote 177 on agreeing to H. Res. 306; "yea" on rollcall vote 178 on passage of H. R. 1575; "yea" on rollcall vote 179 on agreeing to H. Res. 290; "nay" on rollcall vote 180 on agreeing to the Bean amendment to H. R. 1664; and "yea" on rollcall vote 182 on passage of H. R. 1664.

On April 2, I was absent for rollcall 187, final passage of H.R. 1256. Had I been present, I would have voted "aye."

## CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore. Pursuant to House Resolution 305 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution, H. Con. Res. 85.

## □ 1208

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the concurrent resolution (H. Con. Res. 85), with Mrs. TAUSCHER in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIR. When the Committee of the Whole House rose earlier, 60 minutes of debate remained on the concurrent resolution.

The gentleman from South Carolina (Mr. SPRATT) has 30 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 30 minutes remaining.

Who yields time?

Mr. SPRATT. Madam Chair, we resume this morning. When we'd broken off last night, we'd had a lively but civil and spirited debate. There were some things said last night that were just so wildly off the mark that they bear just a minute of consideration to correct the RECORD.

It was said repeatedly that this resolution was about the biggest tax increase in history. In fact, don't take it from me. Look at the CBO. After examining the President's budget, they said it will work out to be a net tax reduction of \$1.7 trillion over a 10-year period of time.

The size of the budget was mentioned several times in the debate. It's enormous, no question about it, but it's partly swollen by virtue of what has happened over the past year in the financial services industry, beginning